

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	
	:	CHAPTER 11
MBMK PROPERTY HOLDINGS, LLC,	:	
	:	Bankruptcy No. 2:22-bk-13121 (MDC)
Debtor	:	
	:	
MBMK PROPERTY HOLDINGS, LLC,	:	Adversary Proceeding No. 23-00062 (MDC)
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WILMINGTON TRUST, NATIONAL	:	
ASSOCIATION, As Trustee, For	:	
The Benefit of The Holders Of	:	
Corevest American Finance	:	
2018-2 Trust Mortgage	:	
Pass-Through Certificates;	:	
	:	
BAY MANAGEMENT GROUP OF	:	
PHILADELPHIA, LLC;	:	
	:	
JAMES PAUL, d/b/a James Paul	:	
the ALPS Group;	:	
	:	
and	:	
	:	
ALPS GROUP, INC. d/b/a James Paul	:	
the ALPS Group,	:	
	:	
Defendants.	:	
	:	

**DEFENDANT ALPS GROUP, INC. D/B/A JAMES PAUL THE ALPS GROUP, MOTION  
TO ADOPT THE MOTION OF CO-DEFENDANT JAMES PAUL TO DISMISS  
PURSUANT TO SECTION 12(b)(1) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Now comes the Defendant ALPS Group, Inc., d/b/a James Paul the ALPS Group a non-  
entity, (“ALPS”), by its Attorney Alan I. Ehrenberg, of the Law firm of Alan I. Ehrenberg, LLC,

appearing *pro hac vice* in this matter, and respectfully moves to adopt, conform and have the benefit of the motion to dismiss pursuant section 12(b)(1) filed by Co-Defendant James Paul in the above captioned matter. In support for this motion, ALPS states as follows;

1. ALPS was named in this adversary complaint along with James Paul the Court Appointed Receiver in the Court of Common Pleas Delaware County and Philadelphia County captioned as *Wilmington Trust et al v. MBMK Property Holdings, LLC, case nos. 2020- 008284 and 2020-0225 respectively*. Counsel for James Paul is aware that counsel for ALPS will adopt motions that may well be applicable to both Defendants.

2. So as to reduce the burden on this court and with respect to the repetitive pleadings, ALPS hereby adopts all applicable motions of Co-Defendant James Paul. ALPS will conform them, if necessary and, if appropriate, will add supplemental memoranda in support thereof. If ALPS does not intend to adopt a motion of Co- Defendant James Paul, the Court will be notified promptly. Otherwise, ALPS, will have been presumed to have adopted all motions of its Co-Defendant, James Paul, not inconsistent with ALPS' position.

3. Due to the fact that ALPS was only named because the receivership order contained the language; "James Paul of the ALPS Group will be appointed as Receiver," the legal position of both Defendants are identical. The above relief is necessary in the interest of justice and judicial economy.

**WHEREFORE**, ALPS respectfully requests the Motion to Adopt and Conform the 12(b)(1) Motion to Dismiss filed by James Paul be granted.

Respectively Submitted,

ALPS Group, Inc., d/b/a James Paul

By: /s/Alan I. Ehrenberg

Appearing *pro hac vice*

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INRE:

MBMK PROPERTY HOLDINGS, LLC,  
  
Debtor

**CHAPTER 11**

Bankruptcy No. 2:22-bk-13121 (MDC)

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MBMK PROPERTY HOLDINGS, LLC,  
Plaintiff,

Adversary Proceeding No. 23-00062 (MDC)

v.

WILMINGTON TRUST, NATIONAL  
ASSOCIATION, As Trustee, For  
The Benefit of The Holders Of  
Corevest American Finance  
2018-2 Trust Mortgage  
Pass-Through Certificates;

BAY MANAGEMENT GROUP OF  
PHILADELPHIA, LLC;

JAMES PAUL, d/b/a James Paul  
the ALPS Group;

and

ALPS GROUP, INC. d/b/a James Paul  
the ALPS Group,

Defendants.

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**ORDER**

**THIS COURT** having considered Defendant, ALPS Group, Inc. d/b/a James Paul the ALPS Group, Motion to Adopt James Paul's Motion to Dismiss Plaintiffs/ Debtor's MBMK Property Holdings, LLC Adversary Complaint for Lack of Subject Matter Jurisdiction and Failure to State a Claim Pursuant to Fed R. Civ. P. 12(b) and 28 U.S.C. §

1332, any opposition and argument related thereto, and for good cause shown, it is hereby

**ORDERED** that the motion is **GRANTED**.

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**COLEMAN,J.**

DATED: \_\_\_\_\_